

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00123-MR-WCM

ALBERT ROBINSON

Plaintiff,

v.

DAVID KEITH OAKS, ESQ.,
THE LAW FIRM OF DAVID K. OAKS, P.A.,
SECTION 23 PROPERTY OWNER'S
ASSOCIATION, INC.,
FIVE OAKS INVESTMENTS, INC.,
THE DAVID K. OAKS PERSONAL TRUST,
D. V. RAO, JOHN EDWARD SPAINHOUR,
MCANGUS, GOUDELOCK & COURIE, PLLC,
SECTION 23, PROPERTY OWNER'S
ASSOCIATION, INC.

Defendants.

ORDER

This matter is before the Court on “Plaintiff’s Motion for the Court to Restrict Pro Se Litigants John Edward Spainhour and David K. Oaks from Using the Court E-Filing System and to Have Both Defendants Properly Refile their Pleadings and Motions Conventionally” (the “Motion to Restrict,” Doc. 96).

On September 9, 2021, following a hearing, the undersigned denied “Plaintiff’s Motion for Leave to Begin Using the NextGen E-File System on 08/30/2021 or in the Alternative Restrict Pro Se Litigant John Edward

Spainhour from Using the Court E-Filing System and to Have Him Refile the E-Filed Papers Conventionally” (the “Motion to E-File or Restrict,” Doc. 65). See Doc. 78.

The instant Motion to Restrict seeks some of the same relief as Plaintiff’s previous Motion to E-File or Restrict, namely an order directing Mr. Spainhour (and now Mr. Oaks) to withdraw the pleadings they have filed electronically and to refile them conventionally. The Memorandum of Law in Support of both Motions is also very similar. Docs. 65-1 & 97. Accordingly, the undersigned has construed the Motion to Restrict as being a motion for reconsideration.

Courts allow motions for reconsideration only in limited circumstances. See Hope v. Department of Health and Human Services, No. 3:20-cv-68-RJC-DCK, 2021 WL 918068, at *1 (W.D.N.C. March 10, 2021). “The purpose of a motion to reconsider is to present the Court with newly discovered evidence or to correct manifest errors of law in a prior order.” Id. (citing Directv, Inc. v. Hart, 366 F.Supp.2d 315, 317 (E.D.N.C. 2004)). Such motions are not appropriate where the movant “merely asks the court ‘to rethink what the Court has already thought through – rightly or wrongly.’” Directv, Inc. 366 F.Supp.2d at 317.

The Motion to Restrict provides no basis on which the undersigned should reconsider the September 9, 2021 ruling.

IT IS THEREFORE ORDERED that “Plaintiff’s Motion for the Court to Restrict Pro Se Litigants John Edward Spainhour and David K. Oaks from Using the Court E-Filing System and to Have Both Defendants Properly Refile their Pleadings and Motions Conventionally” (Doc. 96) is **DENIED**.

Signed: October 19, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

